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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,887	08/31/2001	Donald J. Remboski	LA00009	4070

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MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

EXAMINER

SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 08/12/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary

Application No.

09/944,887

Applicant(s)

REMBOSKI ET AL.

Examiner

Chirag G Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/09/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 12-14 rejected under 35 U.S.C. 102(e) as being anticipated by Razavi (WO 00/77620).

Referring to claims 1-5 and 12, Razavi discloses a system for integrating components into a vehicle wherein components comprise devices coupled to an in-car network. Razavi discloses in figure 2, of an Active Network, in-car Ethernet LAN (figure 2, item 24) for communicating data between devices within the vehicle. Razavi further discloses of an in-car subnetwork on page 5, lines 38 to page 6, lines 23 of communication devices such as wireless modems 26, CDPD modem 27, cellular phone 29 and wireless Ethernet 28 disposed within the vehicle having a vehicle related function. Furthermore, Razavi discloses in column 6, lines 1-2, that all of the components of the in-car subnetwork are either directly plugged into the compute platform or coupled via an Ethernet connection, thus the devices such as 26, 27 and 29 are coupled to the Active Network, in-car Ethernet LAN (figure 2, item 24) and wherein the device includes a device network element interfaces forming a portion of the active network as claim 1. Razavi

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further discloses in figure 2 and in the abstract that devices may include one or more devices which are addressable using IP addresses such that the device network element of the vehicle comprises a switch (Ethernet), router (various servers) and a bridges (wireless modems and radios) as claims 2-4. Razavi further discloses that the Active Network, Ethernet LAN 24 comprises a packet data network since it transmits packet data from source to destination as claim 5. Razavi also discloses in figure 2 and respective portions of the specification that the active network comprises a plurality of active network elements coupled by wireless media as claim 12.

Referring to claims 6, 7, 13 and 14, Razavi discloses in figure 1, 2, page 12 and respective portions of the specification a vehicle comprising an Active Network, Ethernet LAN 24 for communications within the vehicle, the Ethernet LAN 24 comprises a plurality of active network elements interfaces within devices such as 26,27 and 29 coupled by a wired or wireless communication media, a method of coupling a device to the active network Ethernet LAN 24. Razavi discloses in the same section as above of providing within the device a device network element such as interfaces and/or proxy server interfaces, thus coupling the device network element such as interfaces or proxy servers to the active network, Ethernet LAN 24. Furthermore, page 12, lines 10-40 illustrates the step of coupling the device network element to the active network comprising coupling the device network element interface to one of the active network elements interfaces of the plurality of active network elements interfaces by using a wireless modem as claim. Furthermore, Razavi discloses in figure 2 and on page 12 of a CDPD modem 27 and wireless modem 26, the respective devices comprise a second device network element that are communicatively coupled via wireless modem and proxy servers as claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 and 15-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Razavi in view of Virtual Router Redundancy Protocol (white paper).

5. Referring to claims 8-11 and 15-19, Razavi teaches in figure 2 and respective portions of the specification of an active network system for communicating data between devices. Razavi also teaches on page 12 that the device comprises a proxy server device as a second device network element wherein the device network element and the second device element are communicatively coupled. Razavi however, fails to teach of the vehicle, wherein the device network element is coupled to a first portion of the active network and the second device network element is coupled to a second portion of the active network. Razavi also fails to teach that the first functional element and a second functional element are coupled to the device network element (and are communicatively coupled). Razavi further fails to teach that the second functional element being coupled to the second device network element. White Paper teaches on pages 8 and 9 of how Proxy ARP works with VRRP, a passport routing switch running proxy ARP allows the hosts on different networks to communicate with each other. White Paper further teaches in figures 1, 3 and 4 that within a first and second functional elements such as servers are coupled to the device network element LAN (master and backup

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respectively). Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Razavi to include the teachings of White Paper in order to minimize service interruptions in reliable switching transitions and integration with respect to devices within and outside of the network.

Response to Arguments

6. Applicant's arguments filed 7/9/03 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Referring to independent claims 1 and 13, Applicant argues that, "Active elements within an active network enable multiple simultaneous communication paths between devices within the network/vehicle.") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant also argues with respect to independent claims 1 and 13, that the active network is fundamentally different from the network disclosed by Razavi et al. and that elements taught by Razavi et al. are coupled to central compute platform and are "dumb" elements that depend entirely on the central compute platform to communicate with other elements in the in-car network 20. Examiner disagrees with the Applicant and directs applicant attention page 6 of Razavi's reference where it is clearly disclosed that all of the components of the in-car sub-network are either directly plugged into the compute platform or coupled via an Ethernet connection. Thus, item 24, in figure 1 as discloses is the Active Ethernet LAN Network 24, that

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all of the components of the in-car subnetwork are coupled to. The devices are disposed within a vehicle since the devices/components are in-car subnetwork and have a vehicle related function. The devices include network element interfaces forming a portion of the active network. For a more elaborate explanation, Examiner provides further details of how the reference is read on the claim as recited. With respect to claim 1, Razavi discloses a system for integrating components into a vehicle wherein components comprise devices coupled to an in-car network. Razavi discloses in figure 2, of an Active Network, in-car Ethernet LAN (figure 2, item 24) for communicating data between devices within the vehicle. Razavi further discloses of an in-car subnetwork on page 5, lines 38 to page 6, lines 23 of communication devices such as wireless modems 26, CDPD modem 27, cellular phone 29 and wireless Ethernet 28 disposed within the vehicle having a vehicle related function. Furthermore, Razavi discloses in column 6, lines 1-2, that all of the components of the in-car subnetwork are either directly plugged into the compute platform or coupled via an Ethernet connection, thus the devices such as 26,27 and 29 are coupled to the Active Network, in-car Ethernet LAN (figure 2, item 24) and wherein the device includes a device network element interfaces forming a portion of the active network as claim 1. With respect to claim 13, Razavi discloses in figure 1, 2, page 12 and respective portions of the specification a vehicle comprising an Active Network, Ethernet LAN 24 for communications within the vehicle, the Ethernet LAN 24 comprises a plurality of active network elements interfaces within devices such as 26,27 and 29 coupled by a wired or wireless communication media, a method of coupling a device to the active network Ethernet LAN 24. Razavi discloses in the same section as above of providing within the device a device network element such as

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interfaces and/or proxy server interfaces, thus coupling the device network element such as interfaces or proxy servers to the active network, Ethernet LAN 24.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 305-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE)

Or:

(703) 305-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cgs
July 30, 2003



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Applicant

Active Network: ^{Response} An ~~active~~ Active network does not use a central computing resource
> Active elements within an active network enable multiple simultaneous communication paths between devices within the network/vehicle

Spec - Pg 6

> The active network may include a plurality of communicatively coupled active elements, which permit communication between devices coupled to the active network utilizing or creating.

Reference

Pg 6: All of the components of the in-car sub-network are either directly plugged into the compute platform or coupled to do it via an ethernet connection

Pg 12: > A wireless ethernet connection may be established between the two.

> In-car sub-network can join other networks as well as using wireless ethernet device

> Thus, the in-car sub-network, which is a sub-network relative to the primary network, may in turn have sub-networks connected to it so that there are networks within networks (as so on).

These nested networks are sometimes referred to as fractal networks b/c a device on a network may, upon closer examination, itself be a network (and so on).

Reith, 12

>

132 active > no other

passive network → cable and network
w/ network

199

> Appeal

>

11/6